

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PELOTON INTERACTIVE, INC.,	)	
	)	
Plaintiff,	)	
v.	)	C.A. No. 20-1535 (RGA)
	)	
ICON HEALTH & FITNESS, INC.,	)	
	)	
Defendant.	)	
	)	
	)	

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**PLAINTIFF PELOTON INTERACTIVE, INC.’S  
NOTICE OF WITHDRAWAL OF PENDING MOTIONS (D.I. 7 & 12)**

On November 16, 2020, Plaintiff Peloton Interactive, Inc. (“Peloton”) moved for entry of a temporary restraining order and preliminary injunction against Defendant ICON Health & Fitness, Inc. (“ICON”) to enjoin the use and disclosure of Peloton’s confidential advertising materials improperly acquired by ICON (D.I. 7), and for related expedited discovery (D.I. 12). On November 23, 2020, ICON filed its opposition brief and supporting declarations (D.I. 24-28). After weeks of refusing to answer Peloton’s inquiries regarding who at ICON was provided with Peloton’s confidential information, ICON provided for the first time in its opposition answers to Peloton’s inquiries regarding basic facts about ICON’s use and disclosure of Peloton’s confidential materials. ICON also provided assurances regarding steps taken to prevent use or disclosure of those materials by ICON, including the complete removal of the confidential Peloton materials from ICON’s servers.

As set forth in its reply brief filed today (D.I. 31), ICON has now effectively provided the relief Peloton sought in its pending motions. In reliance on the sworn representations and assurances from ICON for purposes of its pending motions only, Peloton no longer believes that the emergency relief of a temporary restraining order or preliminary injunction is warranted at this time. To be clear, Peloton’s claims asserted under the Defend Trade Secrets Act in this action stand and it intends to fully litigate those issues.



Accordingly, Peloton respectfully withdraws its motions for a temporary restraining order and preliminary injunction (D.I. 7) and for expedited discovery (D.I. 12) and will litigate these issues in the normal course. Peloton further requests that the hearing scheduled for November 30, 2020 (*see* D.I. 13) be adjourned.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Michael J. Flynn*

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